IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.3340 of 1993

Shri Ashok Chinappa Kasulwar ..Petitioner

Vs

The State of Maharashtra & Ors. ..Respondents

Smt.Helan Koli Mandlik i/b Shri R.,K.Mendadkar for petitioner.

Shri C.R.Sonawane, A.G.P. for respondent nos. 1 to 3.

CORAM: A.P.SHAH &
Dr.D.Y.CHANDRACHUD JJ.
14th June, 2005

P.C.

1. This petition is directed against the order of the Scrutiny Committee whereby the caste certificate issued in favour of the petitioner was invalidated and it was declared that the petitioner does not belong to Munnerwalu scheduled tribe. It appears that on the basis of the caste certificate the petitioner was employed in the office of the Controller of Rationing, Mumbai. The petitioner was continued in service by virtue of the interim relief granted by this Court and he has already been superannuated.

2. Learned Counsel appearing for the petitioner did not press her challenge against the order of the Scrutiny Committee. The only submission made by the learned Counsel is that having regard to the

fact that the petitioner has been superannuated, his retiral benefits may be released as per rules. The Counsel agreed that the petitioner and his family members will not claim any benefits as members of scheduled tribe in future. In view of the fact that the petitioner has already been superannuated land also in view of the categorical undertaking given by the petitioner's counsel that the petitioner will not claim any benefit as a member of the scheduled tribe in future, we are inclined to accept the request of the petitioner's Counsel. We direct the respondents to release the retiral benefits of the petitioner within a period of three months from today.

3. Subject to the above directions writ petition stands dismissed.